

ORIGINAL

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

3

KAREN WALD,

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4

PLAINTIFF,

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6

-against-

Case No.:
17 CV 3560
(WFK) (VMS)

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THE DEPARTMENT OF EDUCATION OF THE CITY OF
NEW YORK, and THE CITY SCHOOL DISTRICT OF
THE BOARD OF EDUCATION OF THE CITY OF NEW
YORK,

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DEFENDANTS.

-----X

12

13

DATE: April 10, 2018

14

TIME: 10:29 A.M.

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DEPOSITION of the Defendant, THE

17

DEPARTMENT OF EDUCATION OF THE CITY OF

18

NEW YORK, by a Witness, ROSE-MARIE MILLS,

19

taken by the Plaintiff, pursuant to a Court

20

Order and to the Federal Rules of Civil

21

Procedure, held at the offices of Stewart

22

Lee Karlin Law Group, P.C., 111 John

23

Street, 22nd Floor, New York, New York

24

10038 before Erika Olsson, a Notary Public

25

of the State of New York.

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2 A P P E A R A N C E S:

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4 STEWART LEE KARLIN LAW GROUP, P.C.
5 Attorneys for the Plaintiff
6 KAREN WALD
111 John Street, 22nd Floor
New York, New York 10038
BY: NATALIA KAPITONOVA, ESQ.

7

8

9 ZACHARY W. CARTER, ESQ.
CORPORATION COUNSEL
NEW YORK CITY LAW DEPARTMENT
10 Attorneys for the Defendants
11 THE DEPARTMENT OF EDUCATION OF THE CITY
OF NEW YORK, and THE CITY SCHOOL DISTRICT
12 OF THE BOARD OF EDUCATION OF THE CITY OF
NEW YORK
100 Church Street
13 New York, New York 10007
BY: JUSTIN REITER, ESQ.

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F E D E R A L S T I P U L A T I O N S

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IT IS HEREBY STIPULATED AND AGREED by and between the counsel for the respective parties herein that the sealing, filing and certification of the within deposition be waived; that the original of the deposition may be signed and sworn to by the witness before anyone authorized to administer an oath, with the same effect as if signed before a Judge of the Court; that an unsigned copy of the deposition may be used with the same force and effect as if signed by the witness, 30 days after service of the original & 1 copy of same upon counsel for the witness.

IT IS FURTHER STIPULATED AND AGREED that all objections except as to form, are reserved to the time of trial.

* * * *

1 R. MILLS

2 R O S E M A R I E M I L L S, called as a
3 witness, having been first duly sworn by a
4 Notary Public of the State of New York, was
5 examined and testified as follows:

6 EXAMINATION BY

7 MS. KAPITONOVA:

8 Q. Please state your name for the
9 record.

10 A. Rose-Marie Mills.

11 Q. What is your address?

12 A. 475 Nostrand Avenue, Brooklyn,
13 New York 11216.

14 Q. Good morning. My name is
15 Natalia Kapitonova, and I represent Karen
16 Wald in connection to allegations that she
17 has against the Department of Education.
18 Before we start, I would like to explain
19 the deposition process to you. I'll be
20 asking you a couple of questions with
21 regard to your knowledge about plaintiff's
22 alleged incidents. The court reporter
23 sitting right here to my left, she will be
24 transcribing your answers. For this
25 reason, I ask you to please give me verbal

1 R. MILLS
2 answers to whatever I ask you. If you
3 don't understand something, wait until I
4 finish the question and you can ask me to
5 rephrase the question. But don't do any
6 physical expressions like nodding, etc.,
7 because she won't be able to transcribe it
8 for the record. I remind you that at all
9 times you remain under oath, and your
10 testimony could be used later in the
11 proceeding. Understand that if you lie
12 today, you will be committing perjury. If
13 at any time you don't understand one of my
14 questions like I said before, answer the
15 best you can, and I will rephrase it. Wait
16 until I finish speaking before you answer
17 any questions. Now, from time to time your
18 attorney may object to one of my questions.
19 If he does, unless your attorney instructs
20 you otherwise, you should answer my
21 question. If you need a break during the
22 deposition, please let me know. Is
23 everything clear? Do you have any
24 questions for me right now?

25 A. No.

1 R. MILLS

2 Q. Have you ever had taken your
3 deposition before?

4 A. No.

5 Q. This is the first time anyone
6 has deposed you?

7 A. First deposition I've had.

8 Q. Do you understand that your
9 testimony even though in an informal
10 setting here as in an office, has the same
11 force and effect as if we were in court?

12 A. Yes.

13 Q. Is there any mental or physical
14 reason as to why you wouldn't be able to
15 give me accurate and truthful answers to my
16 questions today --

17 A. No.

18 Q. Please wait I finish my
19 question. Thank you. Are you currently
20 taking any medication?

21 A. Yes.

22 Q. What are you taking?

23 MR. REITER: You can answer.

24 A. I take metformin, Januvia,
25 lisinopril. Um.

1 R. MILLS

2 Q. Anything else?

3 A. There are others, but I can't
4 recall their names right now.

5 Q. Okay. What is the purpose for
6 this medication? Where are you taking
7 these medications?

8 A. History of diabetes,
9 hypertension, cholesterol.

10 Q. Okay. Anything else?

11 A. No.

12 Q. Is there any medication that
13 you should have taken today but didn't?

14 A. No.

15 Q. Before coming in today, did you
16 discuss to anyone about the fact that you
17 would be deposed today?

18 A. Yes.

19 Q. With whom?

20 A. The attorney.

21 Q. Anyone else?

22 A. No.

23 Q. How long was your discussion
24 with your attorney?

25 A. I can't recall the time.

1 R. MILLS

2 Q. Okay. Have you ever reviewed
3 any documents before coming in today?

4 A. Yes.

5 Q. Which documents?

6 A. I reviewed the documents with a
7 communication with Mr. Brewton. I reviewed
8 an e-mail regarding Irene Pavan Rosa.
9 That's all I reviewed. Those are two that
10 I can recall.

11 Q. Okay. The first one you said a
12 document about Mr. Brewton. Is that what
13 you said?

14 A. Yes. That's what I said.

15 Q. What kind of document was that?

16 A. An e-mail.

17 Q. What was the e-mail regarding?

18 A. It was regarding Ms. Wald's
19 request for accommodation.

20 Q. And you said that you reviewed
21 another e-mail, correct?

22 A. I said I reviewed an e-mail
23 regarding a communication regarding Irene
24 Rosa.

25 Q. What was the e-mail about?

1 R. MILLS

2 A. Irene Rosa.

3 Q. I know, but what?

4 A. About Irene Rosa, and what
5 happened when she gave up her position as
6 the UFT chapter chair.

7 MS. KAPITONOVA: Okay. So, may
8 the record reflect that this e-mail
9 was turned to plaintiff's attorney by
10 the defendant's attorneys,
11 approximately 15 minutes before this
12 deposition started today.

13 Plaintiff's attorney has not had a
14 full opportunity to review it yet,
15 but she has seen the e-mail and it's
16 in her possession right now.

17 Q. Have you ever been sued before?

18 A. I don't know.

19 Q. Has someone ever called you to
20 appear in court before?

21 A. I have gone to matters
22 regarding the DOE, but I don't know if it
23 was me being sued, or I went as a
24 representative of the department. But I've
25 never gone to court per se.

1 R. MILLS

2 Q. When you described those
3 matters, what kind of matters are these?

4 A. Various matters. Matters
5 regarding teachers, or other employees.
6 Maybe disciplinary, maybe people who were
7 terminated. Matters of that.

8 Q. Okay. Any matters against you?

9 A. Against me?

10 Q. Yes.

11 A. Not that I'm aware. I know the
12 department.

13 Q. So just to be clear, you have
14 never been involved in a judicial
15 proceeding before, correct?

16 A. With the Department of
17 Education is that what you're asking me?

18 Q. No. I'm asking you if you've
19 ever been involved in any judicial
20 proceeding?

21 A. I've gone to court if that's
22 what you're asking me.

23 Q. Yeah. I asked you that
24 previously when you said no. So tell me
25 about that when you went to court.

1 R. MILLS

2 A. I've gone to court on personal
3 matters.

4 Q. Yes. Tell me when was that.

5 A. I don't think I want to talk
6 about that today. I think that's my
7 privileged information that has nothing to
8 do with this proceeding, if I had gone to
9 court. I'm here to represent the
10 Department of Education, and that's all I'm
11 here to do.

12 Q. I understand, but you have to
13 answer my questions. And if there's an
14 objection, your attorney has to make the
15 objection, the attorney that's representing
16 the Department of Education. So other than
17 that, you should answer my questions. So,
18 again I'm asking you if you've ever been in
19 court, tell me when and for what.

20 A. I don't recall when I went to
21 court. I went to court for traffic stuff.

22 Q. Okay. And that's on personal
23 matters, correct?

24 A. Yes.

25 Q. Okay. Any other instance in

1 R. MILLS

2 which you've been in court for personal
3 matters?

4 A. I had a lawsuit against a
5 furniture company many, many years ago that
6 I went to court for.

7 Q. How many years ago was that?

8 A. I don't recall.

9 Q. Okay. Do you remember in what
10 court was that?

11 A. It was in Brooklyn.

12 Q. Okay. Were you suing the
13 furniture company, or were you being sued
14 by the furniture company?

15 A. I was suing them.

16 Q. For what?

17 A. For damaged furniture.

18 Q. Okay. What was the outcome of
19 that lawsuit?

20 A. They judge ruled in my favor,
21 so they had to replace it.

22 Q. Okay. What else? Any other
23 lawsuits or courts?

24 A. Not that I can recall.

25 Q. Okay. I just remind you that

1 R. MILLS

2 any court public proceeding is a public
3 record, and that you're under oath. If you
4 don't answer for some reason, it would be
5 perjury. I just remind you about the rules
6 of the deposition. What about for the
7 Department of Education? Have you been in
8 court before for the Department of
9 Education?

10 A. Never.

11 Q. How many times have you been in
12 court for traffic violations approximately?

13 A. One or two.

14 Q. How long ago was that?

15 A. I can't recall.

16 Q. Anything else regarding that?

17 A. No.

18 Q. So tell me what is your
19 educational background.

20 A. Master's in School
21 Administration.

22 Q. What year?

23 A. I don't remember.

24 Q. Okay. Any other degrees that
25 you have?

1 R. MILLS

2 A. I have a Bachelor's in
3 Education.

4 Q. Okay. Were where did you
5 obtain your master's?

6 A. Fordham University.

7 Q. What about your bachelor's?

8 A. University of West Indies.

9 Q. Where is this university?

10 A. Jamaica.

11 Q. Do you hold any other degree?

12 A. No.

13 Q. Okay. Are you currently
14 employed at this time?

15 A. Yes.

16 Q. Where?

17 A. New York City Department of
18 Education.

19 Q. When did you start working for
20 the DOE?

21 A. I think over 23 years ago.

22 Q. Okay. When you started, what
23 was your position?

24 A. Teacher.

25 Q. What do you teach?

1 R. MILLS

2 A. Math.

3 Q. Where?

4 A. I. S. 90.

5 Q. Where is that located?

6 A. Washington Heights.

7 Q. Do you recall approximately
8 what year was that?

9 A. No.

10 Q. What other school did you work?

11 A. I worked as an assistant
12 principal at M. S. 52.

13 Q. Where is that located?

14 A. Bronx.

15 Q. And, after that?

16 A. I worked as a principal at M. S.
17 222, and M. S. 343.

18 Q. Okay. Where is M. S. 222
19 located?

20 A. Bronx.

21 Q. What about M. S. 343?

22 A. Bronx.

23 Q. And, after that?

24 A. I worked with central DOE.

25 Q. Okay. Where?

1 R. MILLS

2 A. Citywide.

3 Q. What year was that?

4 A. I don't recall.

5 Q. All right. How long did you
6 work there?

7 A. How long did I work?

8 Q. How long did you work there at
9 central DOE?

10 A. Maybe over two years.

11 Q. Okay. And, after that?

12 A. I was a superintendent of
13 District 19.

14 Q. Where is District 19 located?

15 A. Brooklyn.

16 Q. Okay. How long were you a
17 superintendent for District 19?

18 A. Two-plus years.

19 Q. Okay. Anything else after
20 that?

21 A. Superintendent of adult
22 education.

23 Q. Where is that?

24 A. Citywide.

25 Q. Are you currently working

1 R. MILLS

2 there?

3 A. Yes.

4 Q. How long have you been holding
5 this position?

6 A. Six-plus years.

7 Q. Who hired you for this
8 position?

9 A. The deputy chancellor.

10 Q. What's his name?

11 A. Her name.

12 Q. What's her name?

13 A. Dorita Gibson.

14 Q. Do you know where she's from?

15 A. I don't understand your
16 question.

17 Q. If you know, what's her
18 nationality?

19 MR. REITER: Objection.

20 Q. If you don't know, just say you
21 don't know. I don't know if you know or
22 not.

23 A. I don't know.

24 Q. How is your relationship with
25 Dorita Gibson?

1 R. MILLS

2 A. She's my supervisor.

3 Q. Do you have any other
4 relationship with her besides work
5 relationship?

6 A. No.

7 MR. REITER: Objection.

8 Q. So, as superintendent of the
9 adult program, tell me your
10 responsibilities.

11 A. Supervise all aspect of the
12 program across the city.

13 Q. Anything else?

14 A. No.

15 Q. When you say supervise all
16 aspects of the program, what do you mean by
17 that? Explain to me.

18 A. Everything.

19 Q. What is everything?

20 A. Everything.

21 Q. I want you to explain what
22 everything means.

23 A. Everything means all aspects of
24 the program.

25 Q. What are the aspects of the

1 R. MILLS

2 program?

3 A. The operation, the funding of
4 the program, the hiring of the supervisors,
5 principals for the program.

6 Q. Anything else as part of your
7 job responsibilities?

8 A. No.

9 Q. Who do you supervise?

10 A. Principals, employees of my
11 central office.

12 Q. Okay. What kind of employees?

13 A. Budget operation, data
14 management.

15 Q. Anything else?

16 A. No.

17 Q. Is Dorita Gibson your current
18 supervisor?

19 A. My direct interaction is with
20 Laura Feijoo.

21 Q. Spell her last name for me.

22 A. F-E-I-J-O-O.

23 Q. What's her position?

24 A. Supervising superintendent.

25 Q. So you report directly to her?

1 R. MILLS

2 A. Yes.

3 Q. Anyone else that you report to?

4 A. No.

5 Q. How long has she been your

6 supervisor?

7 A. Since I started.

8 Q. How long is that?

9 A. Six-plus years.

10 Q. How is your relationship with

11 Ms. Feijoo?

12 A. With who?

13 Q. Laura Feijoo. The supervisor

14 Laura --

15 A. Feijoo.

16 Q. Yes.

17 A. Supervisor and subordinate.

18 Q. So you only have a work

19 relationship?

20 A. Correct.

21 Q. Do you know the plaintiff in

22 this case, Karen Wald?

23 A. Yes.

24 Q. How do you know her?

25 A. I met her when I came into

1 R. MILLS

2 adult ed.

3 Q. And that was six-plus years
4 ago?

5 A. Yes.

6 Q. How is your relationship with
7 Ms. Wald?

8 A. Cordial.

9 Q. Do you socialize with her
10 outside of work?

11 A. No.

12 Q. Do you have any difficulties in
13 your working relationship with her?

14 A. No.

15 Q. To your knowledge, has Ms. Wald
16 ever made any complaints to anyone about
17 you?

18 A. I think possible.

19 Q. What kind of complaints, and to
20 whom?

21 A. Ms. Wald is a chapter chair.
22 So, if there's disagreement between the
23 stance of the chapter and the department, I
24 guess she would complain.

25 Q. Right, but I'm not asking you

1 R. MILLS

2 to guess. I'm asking you if you know if
3 she ever complained about you.

4 A. I don't know.

5 Q. Has Ms. Wald ever been involved
6 in an arbitration with you?

7 A. Yes.

8 Q. What kind of arbitration was
9 that? For what?

10 A. I don't recall what it's about.
11 I just know there were arbitrations, and I
12 have gone to arbitrations, and she was also
13 involved. The nature of which ones, I
14 can't recall at this time.

15 Q. How many arbitrations have you
16 been involved with Ms. Wald, approximately?

17 A. I can't guess. I don't know.

18 Q. Say more than ten or less than
19 ten?

20 A. Less than ten.

21 Q. More than five or less than
22 five?

23 A. I don't know.

24 Q. And you don't recall the nature
25 of the complaints, correct?

1 R. MILLS

2 A. No, I don't.

3 Q. Do you recall the outcome of
4 the arbitrations?

5 A. No.

6 Q. Have you ever been disciplined
7 by the Department of Education?

8 A. No.

9 Q. How did your relationship with
10 Ms. Wald after she was involved in
11 arbitrations with you?

12 MR. REITER: Objection.

13 A. I didn't have a change of
14 relationship with Ms. Wald. The
15 relationship was the same.

16 Q. Okay. Has anyone working in
17 the Department of Education ever made a
18 complaint against you?

19 A. Yes.

20 Q. Who?

21 A. Teachers.

22 Q. Tell me their names.

23 A. I don't recall.

24 Q. How many complaints have they
25 made against you?

1 R. MILLS

2 A. I don't know.

3 Q. Can you give me an approximate?

4 A. No.

5 Q. Why not?

6 A. Those complaints don't come to
7 me.

8 Q. They come to who?

9 A. They go to maybe my supervisor,
10 or depends on where they make the
11 complaint. Different venues for
12 complaints.

13 Q. Who informs you of whether or
14 not someone has made a complaint against
15 you.

16 A. Who informs me?

17 Q. Yes?

18 A. Depends on what the complaint
19 is or where it came from.

20 Q. Well in this instance, tell me
21 who informed you about the complaints?

22 A. Various people could inform me
23 about the complaints. It depends on where
24 the person filed the complaint. So
25 depending on it, then the source of the

1 R. MILLS

2 complaint would be somebody who may reach
3 out to me. Or, if it's a complaint through
4 investigations, the investigator will come
5 and meet with me during the course of an
6 investigation.

7 Q. Okay. Give me some names of
8 people that have informed you about
9 complaints made against you.

10 MR. REITER: Objection.

11 A. I don't know. I can't recall.

12 Q. Okay. What's the nature of
13 these complaints?

14 MR. REITER: Objection.

15 A. I can't recall.

16 Q. Has anyone ever claimed
17 discrimination against you?

18 A. I don't know.

19 Q. Do you know if you don't say
20 the truth today it's perjury, correct?

21 A. I know that.

22 Q. Okay. I have to ask you
23 questions. Okay?

24 A. Yeah, and I have to answer.

25 Q. I know. I'm asking you

1 R. MILLS

2 questions.

3 A. Yeah, and I'm answering.

4 Q. Has anyone ever complained
5 retaliation against you?

6 A. I don't know.

7 Q. What was Ms. Wald's position at
8 the DOE?

9 A. Teacher, and she was a UFT
10 chapter chair for a number of years.

11 Q. What did she teach?

12 A. Basic education.

13 Q. Do you know how long has Ms.
14 Wald worked for the DOE?

15 A. No.

16 (Whereupon, complaint was
17 marked as Plaintiff's Exhibit 1 for
18 identification as of this date by the
19 Reporter.)

20 Q. Okay. I'm going to show you
21 what has been marked Plaintiff's Exhibit 1.
22 Do you recognize this document?

23 A. Yes.

24 Q. What is this document?

25 A. Karen Wald plaintiff, versus

1 R. MILLS

2 the DOE. That's what it is.

3 Q. Is this a complaint of this
4 lawsuit?

5 A. I don't know. I guess so. I
6 don't know.

7 Q. Please read it.

8 MR. REITER: Take a look.

9 Q. Take a look at the document,
10 and then I'll ask you questions about it.

11 MR. REITER: Read the document.

12 Once you've finished reviewing it,
13 let her know.

14 MS. KAPITONOVA: Off the
15 record.

16 (Whereupon, an off-the-record
17 discussion was held.)

18 Q. Before the break, I showed you
19 what's been marked Exhibit 1. You have
20 time to examine the document. Can you
21 please tell me what is this document.

22 A. That's a suit by Karen Wald
23 against the DOE.

24 Q. Is this a document that you
25 will identify as the complaint in this

1 R. MILLS

2 lawsuit?

3 A. Yes.

4 Q. Okay. So I point your
5 attention to paragraph four of the
6 complaint. It's on page three. Okay. Do
7 you know of any medical problems or
8 physical or mental limitations Ms. Wald
9 claimed to have?

10 A. I read this document, and from
11 what it says, it says she has leukemia and
12 respiratory disease.

13 Q. But before you saw this
14 document were you aware of plaintiff's
15 disability?

16 A. No. I didn't know what her
17 illness is.

18 Q. Did you ever ask Ms. Wald what
19 was her illness?

20 A. We never had an opportunity to
21 discuss her illness.

22 Q. What was your understanding of
23 what her medical problems were before you
24 read this document today?

25 A. I had no understanding of what

1 R. MILLS

2 her medical problem is. That was not
3 shared with me.

4 Q. So just to be clear. You never
5 learned about her medical problems before
6 today?

7 A. No. I didn't, no.

8 MR. REITER: Objection.

9 A. No. When I read this document,
10 that's when this document was first shared
11 with me, and I read it. That's when I knew
12 what her ailments are.

13 Q. Right. But my question was,
14 before you were showed the complaint, you
15 never learned about her medical problems,
16 correct?

17 A. Correct.

18 Q. When was the complaint shown to
19 you the first time? Approximately.

20 A. I don't know when. I guess
21 when the attorney, I guess, forwarded it to
22 me. I don't remember when.

23 Q. Since that time, you know about
24 the medical problems of Ms. Wald?

25 A. Yes.

1 R. MILLS

2 Q. Now, I point you to paragraph
3 eight of the complaint. I believe it's on
4 page three.

5 MR. REITER: Yes.

6 Q. Okay. Do you know that in the
7 summer of 2015, Ms. Wald began
8 chemotherapy?

9 A. No. I did not until I read
10 this document.

11 Q. So again, just to make sure.
12 Before you read this complaint, you had no
13 idea that Ms. Wald was in chemotherapy?

14 A. No. I had no idea.

15 Q. Do you speak to Ms. Wald about
16 this?

17 A. No.

18 Q. Why not?

19 A. Because Ms. Wald never shared
20 or discussed it with me.

21 Q. So you never engaged in any
22 conversations with Ms. Wald regarding her
23 illness, correct?

24 A. Correct.

25 Q. So do you know what a

1 R. MILLS

2 reasonable accommodation request is?

3 A. I have a broad sense of what it
4 is.

5 Q. So tell me what's your
6 understanding of that.

7 A. When somebody may have an
8 ailment, and they want some adjustments to
9 be made based on that.

10 Q. Okay. What is the DOE policy
11 regarding a reasonable accommodation?

12 A. The person files that through I
13 guess the medical unit, or some other unit,
14 and they review it, and make the decisions.

15 Q. Okay. To your knowledge, did
16 Ms. Wald ever made a reasonable
17 accommodation request?

18 A. I think she did.

19 Q. When was that?

20 A. I don't know, because it wasn't
21 with me.

22 (Whereupon, accommodation
23 request form was marked as
24 Plaintiff's Exhibit 2 for
25 identification as of this date by the

1 R. MILLS

2 Reporter.)

3 Q. Okay. So I'm showing you now
4 what has been marked as Plaintiff's Exhibit
5 2 for identification. Take a moment to
6 review it. Do you recognize this document?

7 A. No.

8 Q. What is this document?

9 A. This is a accommodation request
10 form.

11 Q. Made by who?

12 A. Karen Wald.

13 Q. Okay. Have you ever seen this
14 document before?

15 A. No.

16 Q. Is this the first time you see
17 this document?

18 A. Yes.

19 Q. What is your role in regard to
20 the reasonable accommodations? Do you have
21 any role whatsoever?

22 A. I guess a consultary role. I
23 really don't make the final decision.
24 There's a special office that does that for
25 the DOE.

1 R. MILLS

2 Q. So you don't make any decision
3 whatsoever about reasonable accommodation?

4 A. I'm not the say-so on that.

5 Q. Has anyone ever been in contact
6 with you regarding Ms. Wald's reasonable
7 accommodation?

8 A. Yes. Mr. Brewton.

9 MR. REITER: That's
10 B-R-E-W-T-O-N.

11 THE REPORTER: Thank you.

12 Q. Okay. Who else?

13 A. That's it.

14 Q. So do you make any decision in
15 regards to these requests?

16 A. I don't make the final
17 decision.

18 Q. My question is, if you made any
19 decision regarding this, notify any
20 decision?

21 A. I spoke to Mr. Brewton when he
22 contacted me, and I didn't make any
23 decision. I told -- I gave him some
24 options, some possibilities. He makes the
25 final decision. His office.

1 R. MILLS

2 Q. So when he contacted you
3 regarding Karen Wald's reasonable
4 accommodation request, what did he say?

5 A. He said Ms. Wald made this
6 request about something nearer to home, I
7 spoke to him on the phone, I explained he
8 needed to get an understanding of how adult
9 education works. I explained to him how
10 classes are created, etc. And, I explained
11 to him that the current schedule that Ms.
12 Wald had, had her working more than the
13 mandated time, which was by her choice.
14 And then I also advised him that based on
15 availabilities around, we didn't have any
16 day program that could meet the request as
17 is. And that if Ms. Wald wanted to reduce
18 her workload, and still remain a full-time
19 teacher, that could be something that we
20 could look into.

21 Q. When did this conversation take
22 place approximately?

23 A. I would have to look at the
24 e-mail. I don't recall.

25 Q. Was it before you saw the

1 R. MILLS

2 complaint?

3 A. Yes.

4 Q. So before you saw the
5 complaint, you knew that Ms. Wald made a
6 reasonable accommodation request?

7 A. Yes. I knew she made a
8 request.

9 Q. But you never knew why,
10 correct?

11 A. I don't know the details. I
12 just know that she wanted something closer
13 to home.

14 Q. But you never read the
15 accommodation request form?

16 A. No. That was never shared with
17 me.

18 Q. Did you request it?

19 A. No.

20 Q. So you discussed about it, but
21 you never requested the document. Is that
22 correct?

23 A. That's not my place to review
24 the request. As I shared with you, my
25 conversation was more about what scheduling

1 R. MILLS

2 in adult ed is, and what our possibilities
3 within adult education.

4 Q. Is it part of your job
5 responsibility to review reasonable
6 accommodation requests?

7 A. No.

8 Q. Okay. So, before you make the
9 determination about scheduling, do you
10 review the request?

11 MR. REITER: Objection.

12 A. There is scheduling and
13 accommodation have nothing -- I don't --
14 they're not linked. I'm not responsible
15 for accommodation requests. So that, I'm
16 going to repeat, I don't. There's a unit
17 in the DOE that handles accommodation
18 requests. They contact me and asked me
19 about adult ed programing and
20 possibilities. I shared that information
21 with them, and that's the extent of what I
22 know.

23 Q. Okay. So, if you look at
24 Exhibit 2. There's a box indicated
25 disability, limitations and job functions

1 R. MILLS

2 unable to perform. Can you please read for
3 the record what this box state.

4 A. "Chronic lymphocytic leukemia
5 on oral chemotherapy daily, decrease work
6 commute as P -- I think it says patient is
7 fatigued and at high risk for infection
8 with stressed schedule."

9 Q. Is today the first time that
10 you read this box?

11 A. Yes.

12 Q. Okay. There is another box
13 below that says detail description of
14 accommodation request. Can you please read
15 it for the record.

16 A. "Reduce time travel with
17 position closer to home, on job hours more
18 conducive to adequate rest, decrease stress
19 and absences at work allow for MD visits in
20 her free time."

21 Q. Is today the first time you
22 read this box?

23 A. Yes.

24 Q. Okay. When was this
25 accommodation request, requested? What was

1 R. MILLS

2 the date of this?

3 A. On this document it says
4 8/26/2015.

5 Q. Thank you. For the two boxes
6 that you read, does anywhere does it say
7 that Ms. Wald is requesting less hours?

8 A. The second box says reduce
9 travel time with position or job hours for
10 conducive to adequate person stress.

11 Q. Does it say that she's
12 requesting less hours?

13 A. Not directly.

14 Q. So the answer is no?

15 A. All right.

16 Q. You tell me.

17 A. I guess it's no.

18 (Whereupon, schedule was marked
19 as Plaintiff's Exhibit 3 for
20 identification as of this date by the
21 Reporter.)

22 Q. Okay. I'm showing you now a
23 document that has been marked as
24 Plaintiff's Exhibit 3. Please review it,
25 and let me know when you've read it. Tell

1 R. MILLS

2 me what is this document?

3 A. Teacher's schedule for Karen
4 Wald.

5 Q. Okay. What's the date of this
6 document, if it has it?

7 A. It says Monday June 29th, 2015.

8 Q. Okay. So is it fair to say
9 that that's the schedule Karen Wald had in
10 2015, the school year 2014, '15?

11 A. That will be '15, '16.

12 Q. Okay. Thank you. If you see
13 the document there is a column where it
14 says BALC. Can you please tell me what
15 that stands for.

16 A. Brooklyn Adult Learning Center.

17 Q. Where is this located?

18 A. Brooklyn.

19 Q. Where in Brooklyn?

20 A. 475 Nostrand Avenue.

21 Q. Is that the area of
22 Bedford-Stuyvesant, Brooklyn?

23 A. Yes.

24 Q. What about A E Street?

25 A. 35th Street.

1 R. MILLS

2 Q. So, by looking at this exhibit,
3 Ms. Wald was teaching in Bedford-Stuyvesant
4 from Monday through Friday from 9:30 to
5 1:34, and Monday, Tuesday, Wednesdays, and
6 Thursdays in 35th Street, correct?

7 A. Yes.

8 Q. And in the free time gap that
9 she has, she had to commute to the other
10 side, correct?

11 A. Yes.

12 Q. How many people are normally
13 assigned to teach at different locations in
14 one day?

15 MR. REITER: Objection.

16 A. That's varied.

17 Q. Sorry. I didn't hear that.

18 A. We have a couple of hundred
19 sites across the city. So there's no way I
20 could answer that question with
21 specificity. It depends on the site.
22 There are some sites where it's one person,
23 and there are some sites there's multiple
24 people.

25 Q. So, do teachers typically

1 R. MILLS

2 travel from borough to borough in one day?

3 A. Yes. It depends.

4 Q. Now, who determines that
5 teacher's schedule?

6 A. Teacher's schedule the first
7 time a teacher starts, it's based on what's
8 available. So the school presents a
9 schedule when they're hired, based on
10 what's available. After that, the
11 processes at the end of the year, you don't
12 like your schedule, you attend the
13 placement center. And, with the
14 understanding that you choose from what's
15 available at the placement center.

16 Q. All right. So in this
17 situation, did you determine Ms. Wald's
18 schedule?

19 A. No.

20 Q. Do you have any involvement
21 regarding Ms. Wald's schedule?

22 A. No.

23 Q. So, in Ms. Wald's case, who set
24 up this schedule for her?

25 A. Ms. Wald attended -- Ms. Wald

1 R. MILLS

2 at the end of the school year, all teachers
3 have the opportunity to say if they want to
4 keep the schedule they have, or if they
5 want to change it. Ms. Wald opted to
6 change the schedule, and if you opt to
7 change your schedule, it means you go to
8 the hiring hall. She opted to change her
9 entire schedule, and come to the hiring
10 hall. You can change a part of -- you can
11 opt to change a part, or you can change all
12 of it. She chose all of it. She came to
13 the hiring hall. The rules of the hiring
14 hall as decided by the union and the
15 department, is that people are seen based
16 on seniority order, and all teachers are
17 aware of that. So whatever classroom means
18 there are, based on seniority order, you'll
19 go in and you look at what's available, and
20 you work to create a schedule. There are
21 persons there to facilitate of the
22 documentation of what the teacher chose,
23 and the UFT is there to support the
24 teachers in finding something that they
25 want.

1 R. MILLS

2 Q. Okay. So, when did she opt to
3 change her schedule?

4 A. I can't tell you the exact
5 date. I think sometime in June as
6 customary. Early June an e-mail goes out
7 to all teachers to say if you want to
8 change your schedule, etc. And it was at
9 that --

10 Q. June 2015 we're talking about?

11 A. We're talking June 2015.
12 Beginning of June somewhere around the end
13 of May, or the beginning of June, all
14 teachers will get this e-mail blast about
15 placement center. Make a decision who
16 wants to go, with the understanding if you
17 decide that you want to give up a part of
18 your program, your name is going to be
19 removed, and it's going to be left to
20 something free. And Ms. Wald responded
21 stating that she was given up all of her
22 program that she had the year before, to
23 come to the hiring hall.

24 Q. Right. But if you look at
25 Exhibit 2, the reasonable accommodation by

1 R. MILLS

2 Ms. Wald was made in August of 2015,
3 correct?

4 A. Yes.

5 Q. And that's before document 3
6 right, which is --

7 A. No.

8 MR. REITER: Objection.

9 Q. Is that after?

10 A. That's after.

11 Q. Okay. So then after she made
12 the accommodation request, was her schedule
13 changed?

14 A. No. She chose her schedule.
15 This is a schedule she chose at the hiring
16 hall. This reasonable accommodation
17 request was made after the hiring hall. So
18 Ms. Wald chose this schedule.

19 Q. Right. So, after she made that
20 reasonable accommodation request, on or
21 about August of 2015 was her schedule
22 changed?

23 A. No.

24 Q. Why not?

25 A. It was not changed because what

1 R. MILLS

2 she wanted, there was no availability at
3 that time.

4 Q. So if by looking at Exhibit 3,
5 which is Ms. Wald's schedule, is it fair to
6 say that will be terribly harsh for a
7 person with cancer?

8 MR. REITER: Objection.

9 A. I can't comment on that.

10 Q. But if you see the reasonable
11 accommodation request, you see that she was
12 trying to reduce travel time, correct?

13 A. I see that she was trying to
14 reduce travel time, yes.

15 Q. But you never saw that the
16 request before today, correct?

17 A. I never saw the request before
18 today.

19 Q. Okay. So the reduction in
20 travel time was not granted to your
21 knowledge, correct?

22 A. I don't know what was proposed,
23 what was sent. I didn't see the document
24 of what was sent to her, because that's not
25 me. I don't know who creates these

1 R. MILLS

2 documents. I don't get this document, I
3 don't respond to this document, I don't
4 know what was actually proposed by that
5 office to her.

6 Q. By this document, just for the
7 record, you mean Exhibit 2, which is the
8 reasonable accommodation request, correct?

9 A. Correct.

10 Q. Okay. So tell me the person
11 who is responsible for the teacher's
12 schedule in the program.

13 A. Can you repeat that question.

14 Q. Who was responsible for the
15 teacher's schedule in the night program?

16 A. There's nobody really
17 responsible. I'm not sure I understand
18 what you mean by responsible. Can you
19 clarify.

20 Q. Sure. Of course. Who makes
21 the schedules for the teachers who teach in
22 the night program?

23 A. The teachers who teach only in
24 the night?

25 Q. Yes.

1 R. MILLS

2 A. Per session, the schedule for
3 the entire year is made based on need,
4 projections, and that's made -- my office
5 creates that schedule, maybe May, June for
6 the projection, for the prior year. And,
7 after the hiring hall and the placement
8 center, is the same thing as the hiring
9 hall. At the placement center, full-time
10 teachers have the opportunity to come to
11 the placement center. They indicate before
12 whether they want to change their schedule,
13 and if they choose to change their
14 schedule, they come to the placement
15 center. After that process is over,
16 whatever classes are not filled in the
17 evening, that's what evening people can
18 apply for. So there's an application
19 process called precession. They apply to
20 precession, and based on what people apply
21 for, first people who have retention
22 rights, are first placed. And then after
23 that, the principals place higher people
24 who applied for the ones that are not
25 retention rights.

1 R. MILLS

2 Q. Okay. So when you said that
3 your office handles this, who in your
4 office handles this?

5 MR. REITER: Objection.

6 A. My data staff who works on the
7 directory of classes work in tandem with
8 the principals to determine the
9 projections.

10 Q. And under your supervision,
11 correct?

12 A. Yes.

13 Q. So, do you have any involvement
14 in how the schedule is made?

15 A. I have involvement. I have
16 discussions with principals regarding
17 classes, and the final overview of what
18 classes. And in particular, if classes are
19 going to be closed, and the reason behind
20 closing the classes.

21 Q. Okay. Is it fair to say that
22 you have the final determination as to the
23 -- how the schedule is set?

24 A. I don't think so.

25 Q. So, who does?

1 R. MILLS

2 A. There are a number of factors
3 that contribute to how the schedule is set.
4 Principal plays a pivotal role, because
5 unlike the K to 12 system, in adult ed,
6 it's based on needs, it's based on space
7 availability.

8 Q. I understand that.

9 A. So it's back and forth when we
10 look over all on these matters.

11 Q. But when you mentioned the
12 principal, your job is above the
13 principals?

14 A. Yes. I meet with the
15 principals. The principals, we have eight
16 schools run by eight principals. And, the
17 principals work with my team to determine
18 what will be -- what kind of classes based
19 on the data trends, what classes should be
20 made available for the next school year.

21 Q. Are you able to overwrite any
22 of the principal's decisions?

23 A. Sure I can.

24 Q. Can they overwrite your
25 decisions?

1 R. MILLS

2 A. No, they can't.

3 Q. So if fair to say if the
4 principals adjust a schedule that you don't
5 think is proper for the program, you will
6 overwrite that decision?

7 MR. REITER: Objection.

8 A. Correct.

9 Q. So in the case of Ms. Wald, who
10 picked this schedule, as far as you know?

11 A. She did.

12 Q. Okay. Was there any
13 discussions about schedule change?

14 A. She wrote to me, and said um,
15 she didn't like what she got, but that was
16 what was available. Something to that
17 effect. And, that if something should come
18 available.

19 Q. Okay. And when was that
20 approximately?

21 A. I know it was after the hiring
22 hall. The exact date, I can't tell you.

23 Q. So after June 2015?

24 A. Yes.

25 Q. And that's when she requested a

1 R. MILLS

2 change of the schedule, right?

3 A. She asked if anything else
4 became, yes. For a change of schedule.

5 Q. What did you respond?

6 A. I responded to tell her that
7 what she was asking for was not something
8 that was contractual that I could do.

9 Q. Okay. Because earlier today
10 you said you didn't have any communications
11 with Ms. Wald, and now you're talking about
12 an e-mail. Is there any other
13 communications that you had with Ms. Wald?

14 A. I said I didn't have any
15 accommodation [sic] about an accommodation
16 with her. That's what I said earlier.

17 Q. So what do you understand by
18 accommodation then?

19 A. Accommodation, this document.
20 Exhibit 2. I didn't have any accommodation
21 about any change of schedule due to any
22 kind of medical situation. That wasn't the
23 communication.

24 Q. But she requested a change of
25 schedule --

1 R. MILLS

2 A. She asked --

3 Q. Let me finish my question,
4 please. So she requested a change of
5 schedule if it was available to you,
6 correct?

7 A. Yes. After hiring hall.

8 Q. Do you know that Ms. Wald's
9 requested a decreased work commute because
10 of fatigue, which put her in high risk of
11 infection?

12 A. Requested, what.

13 Q. Did you know that Ms. Wald
14 requested a decreased work commute because
15 of the fatigue, which put her at a high
16 risk of infection?

17 A. I didn't know about anything to
18 do with infection. I was told that she
19 wanted something that was closer to her
20 house.

21 Q. Who told you that?

22 A. Mr. Brewton.

23 Q. Did anyone else tell you
24 anything about the reduced work schedule in
25 relation to Ms. Wald?

1 R. MILLS

2 A. I didn't hear about a reduced
3 work schedule from them. I heard about
4 something closer to home.

5 Q. Okay. Can a teacher put in a
6 request for a new schedule?

7 MR. REITER: Objection.

8 A. Teacher can put in a request,
9 and anybody can put in a request.

10 Q. Who decides the request,
11 whether it's granted or not?

12 A. I would review what the request
13 is, and I make a decision.

14 Q. So you will decide?

15 A. Yes.

16 Q. Okay. Besides seniority, which
17 we spoke about before, is there any other
18 factor that you use to determine the change
19 in schedule?

20 A. Seniority is not used to
21 determine the change in schedule.

22 Q. What is used?

23 A. Seniority is used at the hiring
24 hall to determine the order in which people
25 get to make changes.

1 R. MILLS

2 Q. So, when a teacher puts a
3 request for a change of schedule to you,
4 you don't take seniority as a factor,
5 correct?

6 A. It depends on when the teacher
7 is putting in the request. If the teacher
8 is putting in the request through the
9 placement center process, that's when
10 seniority. They get seen the order in
11 which everyone who makes that request,
12 that's the time. The placement center was
13 designed to facilitate requests for change
14 of schedule. So if a teacher puts in a
15 request through the placement center
16 process, then seniority is what determines
17 the order in which they get to make choices
18 from what is available. And the order is
19 reviewed with the union to make sure that
20 the teachers are seen in seniority. That's
21 the correct seniority order.

22 Q. Okay. Did anyone on behalf of
23 Ms. Wald ask for a reasonable
24 accommodation?

25 A. Not to me.

1 R. MILLS

2 Q. Well you said Mr. Brewton did,
3 correct?

4 MR. REITER: Objection.

5 Q. You can answer.

6 A. You said Mr. Brewton contacted
7 me about a request. If you're saying Mr.
8 Brewton was acting on behalf of Ms. Wald,
9 yes.

10 Q. So the answer is yes?

11 A. If Mr. Brewton was acting on
12 her behalf.

13 Q. Well Mr. Brewton approached to
14 you regarding Karen Wald, correct?

15 A. Yes.

16 Q. Do you know who is Patty
17 Grispino?

18 A. Yes.

19 Q. Who is she?

20 A. She's a district UFT rep.

21 Q. Do you know who is Tom Bennett?

22 A. No.

23 Q. You never heard of him before?

24 A. My attorney said that name to
25 me.

1 R. MILLS

2 MR. REITER: We don't talk
3 about communications between us, but
4 you can answer the question.

5 A. I don't know him.

6 Q. I'm only asking you. I'm not
7 asking whoever told you. If you know who
8 Tom Bennett is.

9 A. No.

10 Q. So you have never heard of Tom
11 Bennett?

12 A. No.

13 Q. Okay. Did Patty Grispino ever
14 speak to you regarding Ms. Wald's
15 reasonable accommodation request?

16 A. No.

17 Q. She never had a conversation
18 regarding Ms. Wald?

19 A. None that I can recall about a
20 request.

21 Q. So if you had a conversation
22 with Patty Grispino about Ms. Wald, what
23 was it about?

24 MR. REITER: Objection.

25 A. I don't know what kind of

1 R. MILLS
2 conversation I had with Patty Grispino.
3 Patty is the district chair. So, to ask me
4 to recall what I spoke to her about, if I
5 spoke to her about Karen Wald, I can't
6 recall anything about this matter with her.
7 I never spoke to her about this matter. At
8 the placement center --

9 Q. I'm asking you only about Patty
10 Grispino right now.

11 A. That's what I was trying to
12 answer, but I have nothing else to say.

13 Q. When you said that you did not
14 have a conversation with Ms. Grispino, what
15 do you mean by this matter?

16 A. About accommodation request.

17 Q. Just to be clear. Were you the
18 decision maker whether Ms. Wald got a
19 reasonable accommodation?

20 MR. REITER: Objection. Asked
21 and answered. You can answer the
22 question.

23 A. I don't make the final
24 determination in an accommodation request.
25 There's a unit in the Department of

1 R. MILLS

2 Education that makes those decisions.

3 Q. Do you know any of the doctor's
4 appointments plaintiff had?

5 A. No.

6 Q. Did you discuss with plaintiff
7 about the nature of her medical
8 appointments?

9 A. No.

10 Q. Do you review any medical
11 evidence submitted by Ms. Wald during her
12 employment, to support the claim of
13 disability?

14 MR. REITER: Objection.

15 A. No.

16 Q. Has Patty Grispino or Tom
17 Bennett ever made you aware that Ms. Wald's
18 assignment created a hardship for her?

19 A. No.

20 Q. Okay. So now I draw your
21 attention to Exhibit 1 again, which is the
22 complaint. Please look after at paragraph
23 11, which is located on the third page of
24 the document.

25 A. On the third page.

1 R. MILLS

2 Q. On the third page at the bottom
3 of paragraph 11. Okay. Do you know that
4 Ms. Wald made an application of hardship
5 transfer for the same medical reason?

6 A. No.

7 Q. Do you know what was the
8 outcome of this application?

9 A. I don't know about the
10 application.

11 Q. Is today the first time that
12 you're learning about the hardship transfer
13 application?

14 A. Apart from reading it in this
15 document when I first saw it.

16 Q. So is the answer yes?

17 A. Yes.

18 (Whereupon, response was marked
19 as Plaintiff's Exhibit 4 for
20 identification as of this date by the
21 Reporter.)

22 Q. I'm showing you now what has
23 been marked Exhibit 4. Can you describe
24 for the record what this document is?

25 A. This is a response to Ms. Wald

1 R. MILLS

2 from HR Connect, regarding her request for
3 a medical accommodation.

4 Q. Okay. Do you have any
5 involvement with this document?

6 A. No.

7 Q. Any involvement with that
8 decision?

9 A. No.

10 Q. So draw your attention again to
11 Exhibit 1, which is the complaint. Please
12 look at paragraph 15, which is located on
13 page four. Now, let me ask you. Did you
14 know that during Ms. Wald's job assignment,
15 she caught pneumonia three times?

16 A. No.

17 Q. How come you didn't know that?

18 A. I don't know those things.

19 That's the principal who would be aware of
20 teachers. And as a superintendent, I don't
21 supervise the teachers, so I don't know who
22 is absent, the reason for the absence.

23 Q. Okay. Did you ever inquire
24 about Ms. Wald's health after she made the
25 reasonable accommodation request?

1 R. MILLS

2 A. No.

3 Q. Do you know who is Irene Rosa?

4 A. Yes. She was the chapter chair
5 after Ms. Wald.

6 Q. What other position did she
7 hold for the Department of Education?

8 A. She was a teacher, and then she
9 became the chapter chair.

10 Q. Was she provided with her
11 request to schedule change?

12 MR. REITER: Objection.

13 A. There was no request for a
14 schedule change from Ms. Rosa. Ms. Rosa
15 reassigned her position as the UFT chapter
16 chair. As a UFT chapter chair, you have
17 six hours of non-teaching responsibility.
18 So, if you resign your position as the UFT
19 chapter chair, then you have to be given
20 six more hours of teaching responsibility.

21 Q. Who gives those hours to her?

22 A. That's a determination made
23 with the principal based on what's
24 available within the school, or need within
25 the school.

1 R. MILLS

2 Q. When you say it's made with the
3 principal, you mean you make the
4 determination with the principal, correct?

5 A. The principal and I confer to
6 say what's available, or is there a need
7 because she has to be given six more hours
8 to teach.

9 Q. Okay. Do you know who is Lisa
10 Miller?

11 A. She was a teacher I think.

12 Q. Was she provided with her
13 request to schedule changes?

14 A. Ms. Miller was teaching in the
15 Bronx, and in adult education. If you
16 don't have any -- enough students in the
17 class, we close the program. So, one of
18 her class was closed resulting in her being
19 assigned now, instead of teaching in the
20 evening. She then requested if she could
21 get something in Brooklyn, and there was an
22 availability for the evening in Brooklyn,
23 and she was given that.

24 Q. So she was granted her request
25 to the Brooklyn assignment, correct?

1 R. MILLS

2 A. Yes.

3 Q. Did she have any medical
4 illness, to your knowledge?

5 A. I don't know.

6 Q. Okay. Tell me what is the
7 consultation meeting?

8 A. That's where the union and the
9 Department of Education meet and discuss
10 union related matters and concerns.

11 Q. How often do they occur?

12 A. Monthly.

13 Q. Are you involved in these
14 meetings?

15 A. Yes.

16 Q. Who conducted the meetings?

17 A. I guess I conduct the meeting.

18 Q. What's the purpose of the
19 meeting?

20 A. Contractual by the union, and
21 the UFT to meet on a monthly basis to
22 discuss any matters or concerns.

23 Q. It's policy to discuss in the
24 meetings?

25 A. Yes, sometimes. Depends.

1 R. MILLS

2 Q. Who makes the final decisions
3 as to policies in those meetings?

4 A. Depends on what kind of policy.
5 We don't make decisions around policies in
6 the meetings. That's not a decision-making
7 body. The union can request something, and
8 then it will be taken under advisement, and
9 depends on what the request is. It is
10 discussed with the relevant authorities in
11 the DOE in order to make such a decision.

12 Q. So when you say that the DOE
13 and the UFT attend these meetings, who from
14 the DOE attends these meetings?

15 A. I attend, principal attends,
16 and the UFT chapter chair, along with other
17 selected members.

18 Q. Like who?

19 A. The teachers. The UFT
20 determines which people. I think they have
21 selections for delegates or something like
22 that.

23 Q. Okay. You're saying that in
24 attendance to these meetings, are you, the
25 principal, UFT chapter chairs, and

1 R. MILLS

2 teachers. Anyone else?

3 A. If any party chose to invite
4 somebody because there was going to be a
5 discussion about a specific matter, also
6 the district UFT chapter chair, which is
7 Patty Grispino. She attends that meeting
8 too. And, you know, it depends. They
9 could bring other people.

10 Q. Do any of your superiors attend
11 these meetings?

12 A. If there's a need, yes.

13 Q. Like who?

14 A. Laura may attend, sometimes
15 Karen Solimando, Larry Becker attends.

16 Q. What are their positions?

17 A. Larry is an attorney, Karen is
18 in labor relations, and Laura is the senior
19 supervising superintendent.

20 Q. Okay. And since when do they
21 attend these meetings?

22 A. They attend it on an as-needed
23 basis. So it depends on the matters at
24 hand. There are other people from the UFT
25 who comes. The district, I don't know or

1 R. MILLS

2 the borough person 'comes, Dwayne Clark, now
3 sometimes Leeroy -- lots of different
4 people. I don't know everyone everybody's
5 name.

6 Q. And you said the meetings
7 happen monthly, correct?

8 A. Yes.

9 Q. So, how does the placement
10 center work?

11 A. The placement center. So,
12 full-time teachers have an opportunity to
13 determine if they want to keep the schedule
14 they have the school year, or if they want
15 to change. In addition, at the end of the
16 school year, because adult education is
17 reimbursable funding, a review of the
18 classes are done to see if there are
19 classes that we did not have enough persons
20 attended that needed to be a closed. So
21 you have classes closed at the end of the
22 school year. And, if your class was
23 closed, you're mandated to go to the hiring
24 hall to choose something else. And also,
25 teachers can opt to change their full

1 R. MILLS
2 schedule or a part of their schedule. In
3 order to make those changes, it's
4 facilitated through the hiring hall. So,
5 usually the day after the last day of
6 school, we have a hiring hall. The
7 teachers come -- we know ahead of time
8 because we send e-mail communications to
9 say, do you want to go to the hiring hall.
10 And, if you say you want to go to the
11 hiring hall, for what. Are you changing a
12 part of your schedule, are you changing the
13 entirety of the schedule. So teachers make
14 those decisions, plus we know the ones
15 whose classes are closed, they get an
16 e-mail to say you're mandated to come to
17 the hiring hall, because this part of your
18 close, your schedule won't be offered next
19 year. So the directory of class is
20 prepared based on all those things. And,
21 what the classes that are available are
22 made known. People come, they have to be
23 -- for all the people who are coming to the
24 hiring hall, we have to sort them by
25 license, and seniority order. Basically

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2 three license areas. Basic education
3 teachers, ESL teachers, and the CTE
4 teachers. Career and Technical Education
5 teachers. So they're organized in
6 seniority order, with the number one person
7 would be the most senior person. That mean
8 you are first to choose from what's
9 available. The union reviews the list, and
10 approves the list of the seniority order.
11 And then teachers go in, they usually three
12 different rooms for the three different
13 licenses. When one person is finished with
14 their choice, the next person, and it goes
15 on and on. We have a waited area where we
16 post after somebody makes choices. We
17 indicate so, so that people know that's
18 gone. That process continues until
19 everybody gets seen.

20 Q. Before a teacher goes to the
21 placement center, you know who is going to
22 go, right?

23 A. Yes.

24 Q. How long in advance? Do you
25 know?

1 R. MILLS

2 A. Two or three weeks maybe. I
3 would say about two weeks, because it's --
4 we usually do the responses by the
5 professional development day in June, which
6 I think is the first Thursday in June when
7 they have to reply. So after that, we get
8 a sense of who are the people coming, and
9 what license.

10 Q. So, could Ms. Wald apply for
11 job openings after her schedule was
12 changed?

13 MR. REITER: Objection.

14 A. I'm not sure what you mean by
15 job openings.

16 Q. Well the placement center.
17 Could she go to the placement schedule
18 after her schedule was changed?

19 A. No. That's contractually.
20 Contractually you have to go to the
21 placement center because of the seniority
22 issue. And, what's agreed on with the
23 union, you choose. And, after that, you
24 can't change your choice. The only way the
25 choice can be changed is if and which in

1 R. MILLS

2 rare opportunities, we have the site is no
3 longer available.

4 Q. I understand.

5 A. So, if something happens
6 because we use CVO buildings, we use public
7 schools. They may say sorry, you don't
8 have the classroom. Then we have to close
9 that class, reach out to the person and
10 they will look to see what's available and
11 choose from it. But just saying, I want
12 mine changed afterwards, that's not
13 contractual.

14 Q. Right. So, you knew that Ms.
15 Wald went to the placement center, correct?

16 A. Yes.

17 Q. When she went, were all the
18 jobs available?

19 MR. REITER: Objection.

20 A. All the jobs that we knew about
21 were made available.

22 Q. Okay. What about the vacant
23 positions of the retired teachers? Weren't
24 those available?

25 A. Vacant positions of retired

1 R. MILLS

2 teachers, whose retirement are reflected in
3 the system, are available.

4 Q. Okay. But at the time Ms. Wald
5 went to the placement center, were there
6 any vacant positions for full-time retired
7 teachers available?

8 MR. REITER: Objection.

9 A. If they had retired at that
10 time.

11 Q. So when a teacher retires, when
12 do you eventually post these jobs?

13 MR. REITER: Objection.

14 A. When a teacher retires, their
15 position become available after their
16 retirement date, and it is reflected on the
17 DOE system.

18 Q. Around what time is this
19 usually?

20 A. Depends on the date they choose
21 to retire. So people choose to retire when
22 people decide they want to retire. They
23 decide a retirement date, and they file the
24 application of retirement with the required
25 DOE unit. And, when the unit processes

1 R. MILLS

2 their transactions, the retirement date.

3 And, that's the only time we can make their
4 jobs available.

5 Q. Okay. So in 2015, how many
6 full-time teachers retired at the end of
7 the school year?

8 A. I could not tell you that
9 number.

10 Q. Okay. Were there any that you
11 recall?

12 A. I assume. People every year,
13 we have somebody, but to tell you the
14 number and who retired, I could not tell
15 you that off the top of my head.

16 Q. Could you tell me an
17 approximate?

18 A. I can't. It varies from year
19 to year.

20 Q. Okay. Were you aware that the
21 full-time jobs of the retired teachers were
22 not available as of June 29th, 2015 at the
23 placement center?

24 MR. REITER: Objection.

25 A. I'm aware that all jobs of

1 R. MILLS

2 people who had retired, were available.
3 Everyone who had retired by June 29th,
4 their jobs were available at the placement
5 center.

6 Q. By that logic, Ms. Wald could
7 have applied to these jobs, correct?

8 A. Yes. Everything was there.

9 Q. Were you aware that Ms. Wald
10 could not apply to jobs of retired
11 full-time teachers because they were not
12 posted as of June 29th, 2015?

13 MR. REITER: Objection.

14 A. I'm not aware of that. I'm
15 aware that all the jobs of people who
16 retired at that time, was available in the
17 directory of classes. And, was available
18 to everyone who came to the hiring hall.

19 Q. Okay. Is it obligatory for a
20 teacher to come to the placement center?

21 A. It's obligatory if the
22 teacher's class was closed. If any part of
23 the class was closed.

24 Q. Okay.

25 A. Those are the only people who

1 R. MILLS

2 are obligated to come.

3 Q. Where is that policy?

4 A. I'm not sure of your question.

5 Q. Sure. I'm asking regarding the
6 policy about teachers having to go to the
7 placement center. Is there a policy
8 regarding that?

9 A. It's a longstanding agreement
10 between the UFT, and the Department of
11 Education.

12 Q. Who has priority over the jobs
13 at the placement center?

14 A. Teachers are seen in seniority
15 order. And, in terms of their license. So
16 the first person who is the most senior
17 teacher who shows up. And, it goes in
18 seniority order. So priority is based on
19 seniority.

20 Q. Has there been any changes in
21 the job placement center since 2015?

22 MR. REITER: Objection.

23 A. Not that I know of, no.

24 Q. Are you aware of any negative
25 press mentioned to you in the past three

1 R. MILLS

2 years?

3 A. Lots.

4 Q. Like what? Tell me about it.

5 A. I can't -- I don't remember the
6 details.

7 Q. I understand. Tell me what you
8 remember.

9 A. I know. Let me see. I know
10 there have been complaints about adult ed
11 by retired teachers complaining about adult
12 ed.

13 Q. What are their complaints
14 about?

15 A. The program has changed, the
16 program is not running well. They say we
17 don't have books. Things like that.

18 Q. What newspapers do you recall
19 cover these stories?

20 A. Most likely the Post.

21 Q. Any other newspapers that you
22 recall?

23 A. I think that's it. I don't
24 know. I don't really pay that mind. So I
25 don't keep tabs of that.

1 R. MILLS

2 Q. What about any individual
3 teachers complaining about you to the
4 press? Do you have any recollection or
5 knowledge?

6 A. Retired teachers.

7 Q. Do you have their names?

8 A. I don't recall who they are.
9 Most of the things sometimes they say
10 anonymous. I know that the DOE got a lot
11 of anonymous complaints.

12 Q. What about current DOE
13 employees? Any complaint that you know of
14 about?

15 A. I know that an education
16 administrator complained about her
17 discontinuation.

18 Q. What was her name?

19 A. Luckisha Amankwah.

20 Q. Did she complain about you?

21 A. Oh, yes.

22 Q. What did she say?

23 A. She said I wrote her up, and
24 demoted her.

25 Q. How many stories has the Post

1 R. MILLS

2 written against you? Do you know?

3 A. I don't know.

4 Q. Is it more than five, less than
5 five?

6 A. I don't know.

7 MS. KAPITONOVA: Let's take
8 five minutes.

9 (Whereupon a short break was
10 taken.)

11 Q. Did Ms. Wald ever request a
12 more compressed schedule?

13 A. Can you clarify what you mean
14 by more compressed.

15 Q. Did she ever request a schedule
16 with her hours are more close together to
17 each other?

18 A. My understanding is she
19 requested something closer to work. Closer
20 to home I should say.

21 Q. Okay. Who requested this?

22 A. That's what was shared with me
23 by the accommodation unit, Mr. Brewton.
24 Told me she was requesting something closer
25 to home.

1 R. MILLS

2 Q. Did anyone else besides Mr.
3 Brewton told you about this accommodation
4 request?

5 A. No.

6 Q. Okay. Did anyone besides Mr.
7 Brewton ever request a more compressed
8 schedule, or any schedule change on behalf
9 of Ms. Wald?

10 MR. REITER: Objection.

11 A. No.

12 Q. Are you currently under any
13 investigation by the Department of
14 Education?

15 A. I wouldn't know that. Those
16 are confidential. I don't know.

17 Q. Have you ever been involved in
18 any investigation in the past by the
19 Department of Education?

20 A. Sure.

21 Q. How many times would you say?

22 A. I don't know.

23 Q. Can you give me an approximate?

24 A. No.

25 Q. Okay. What was the outcome of

1 R. MILLS

2 those investigations?

3 A. Not founded. Unfounded, or not
4 substantiated. I think that was the word.

5 Q. Do you know what were the
6 allegations against you about?

7 A. We don't have textbooks, um, we
8 don't have materials.

9 Q. Anything else?

10 A. Those are the things I can
11 recall. We purchase furniture.

12 Q. What about your performance?
13 Anything about that?

14 A. Nothing about my performance.

15 Q. What about your decisions?
16 Anything about that?

17 A. Nothing investigated that I'm
18 aware of.

19 Q. What about your treatment to
20 other employees of the Department of
21 Education?

22 MR. REITER: Objection.

23 A. Not that I was interviewed or
24 asked anything about that.

25 Q. All right. I have no further

1 R. MILLS

2 questions. Thank you so much.

3

4 A. Thank you.

5 (Whereupon, at 12:21 P.M., the

6 Examination of this Witness was

7 concluded.)

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R. MILLS

D E C L A R A T I O N

I hereby certify that having been
first duly sworn to testify to the truth, I
gave the above testimony.

I FURTHER CERTIFY that the foregoing
transcript is a true and correct transcript
of the testimony given by me at the time
and place specified hereinbefore.

ROSE-MARIE MILLS

Subscribed and sworn to before me
this _____ day of _____ 20____.

NOTARY PUBLIC

1 R. MILLS

2 E X H I B I T S

3

4 PLAINTIFF EXHIBITS

5

6 EXHIBIT EXHIBIT PAGE

7 NUMBER DESCRIPTION

8 1 Complaint 26

9 2 Accommodation request form 31

10 3 Schedule 38

11 4 Response 59

12

13 (Exhibits retained by Counsel.)

14

15 I N D E X

16

17 EXAMINATION BY PAGE

18 MS. KAPITONOVA 4

19

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25

1 R. MILLS
2 C E R T I F I C A T E
3

4 STATE OF NEW YORK)
5 : SS.:
6 COUNTY OF RICHMOND)

7 I, ERIKA OLSSON, a Notary Public for
8 and within the State of New York, do hereby
9 certify:

10 That the witness whose examination is
11 hereinbefore set forth was duly sworn and
12 that such examination is a true record of
13 the testimony given by that witness.

14 I further certify that I am not
15 related to any of the parties to this
16 action by blood or by marriage and that I
17 am in no way interested in the outcome of
18 this matter.

19 IN WITNESS WHEREOF, I have hereunto
20 set my hand this 26th day of April 2018.

21

22

23

24

25

Erika Olsson

ERIKA OLSSON